

SEP 11 2006

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**A Beckman-Coulter
Company**

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To: Examiner Ian D. Dang**From:** Holly Soehnge**Fax:** 571-273-8300**Pages:** 3**Phone:****Date:** 9/11/2006**Re:** Response to Restriction Requirement**CC:**

Appln. No. 10/803,459

☐ **Urgent**☐ **For Review**☐ **Please Comment**☐ **Please Reply**☐ **Please Recycle**

Dear Sir:

Please find included with this communication a Response to the Restriction Requirement mailed August 11, 2006 for the above-referenced patent application. Please acknowledge safe receipt of this communication; thank you for your assistance.

Respectfully,

Holly Soehnge

Counsel for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gertler, A. et al.

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ART UNIT: 1647

FILED: March 19, 2004

EXAMINER:

Dang, Ian D.

SERIAL NO.: 10/803,459

DOCKET: 28758.74

FOR: Leptin Binding Domain
Compositions and Methods
ThereetoRECEIVED
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SEP 11 2006

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this response was transmitted via Facsimile to Examiner Ian D. Dang at the Patent Office at Tel. No. 571-273-8300 on the date indicated below.

September 11, 2006
Date

Holly Schenke, Ph.D./I.D.

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction requirement mailed August 11, 2006 in the above-referenced application, Applicants hereby elect Invention II, claims 6-20, drawn to a method and a kit for detecting a level of free leptin in a sample from an individual, with traverse.

The Examiner states that Inventions I and II are related as product and process of use and are independent and distinct according to MPEP § 806.05(h). Additionally, the Examiner states that because these inventions require a different field of search and have acquired a separate status in the art because of their recognized divergent

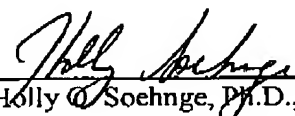
subject matter, and due to the necessity of non-coextensive non-patent literature searches, restriction for examination purposes as indicated is proper (MPEP § 808.02).

The Applicant respectfully traverses the Examiner's requirement for restriction between Inventions I and II. Invention I, claims 1-5, is drawn to a composition comprising an avian leptin receptor binding domain bound in a complex to a leptin protein. Inventions I and II are related in that the composition of Invention I is used in the methods of Invention II to detect a level of free leptin in a sample. Such a composition has no known applications for use other than for the methods of Invention II. Invention I has accordingly not gained recognition in the art as a separate subject for inventive effort, nor does it present a separate field of search. A search of the relevant prior art for Invention II would necessarily reveal any prior art relevant to Invention I, and so a search for Inventions I and II would not represent a serious burden on the Examiner. Accordingly, Applicant respectfully requests the Examiner to reconsider the restriction between Inventions I and II.

Applicants believe that no additional fees are due; however, should this prove to be in error, please contact the undersigned for immediate resolution.

Respectfully submitted,

Date: September 11, 2006
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